1950

File No. Provl. Munis. Corporation II/50(N)

LEGAL DEPARTMENT

B **BRANCH**

Subject:—

Notifications under the Bombay Provincial Municipal Corporation Act, 1949.

P. 9
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File No. Provl. Munis. Corporation II/1950 (N)

142-B

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(1)

Legal Department.

Sub-section (3) of section 3 of the Bombay Provincial Municipal Corporations Act, 1949 requires that before the limits specified for any city under sub-section (1) are altered the Corporation shall be consulted. Para. 15 in Appendix IV to the Act provides that notwithstanding anything contained in the Act, the Commissioner shall exercise the powers and perform the duties of the Corporation .....under this Act until general ward elections shall have been held in accordance with the provisions of this Act and the first meeting of the Corporation shall have been held. It is, therefore, necessary to refer to para 15 of the said Appendix IV in the Preamble. A revised draft notification is accordingly sent herewith.

S/4.

Additional Secretary to Government.

U.R. to L.S.G. and P.H.D. # No. 4813 dated 8th April 1950.

Submitted for signature

MKP 19/6.

19/6.

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Legal Department.

There is no objection to changing the article "the" into the article "a" as proposed by the Local Self Government and Public Health Department

2. The words "until the Transport Committee is elected in accordance with the provisions of section 25" were omitted from the draft at page 11 ante for the following reasons :-

The proposal is to make an order under paragraph 23 of Appendix IV to the Bombay Provincial Municipal Corporations Act, 1949, authorising the Municipal Commissioner for the City of Poona to exercise all the powers and perform all the duties which are exercisable and performed by the Transport Committee or by the Corporation in respect of a Transport Committee under the said Act. The proviso to the said paragraph 23 provides that no order shall be made under this paragraph after the expiry of one year from the appointed date, that is, 15th February 1950 so as to enable the Corporation to appoint a Standing Committee and the Transport Committee under the Act. It was also assumed that two committees will begin function on or before the 15th February 1951. It was also assumed that as soon as the Transport Committee begins to function, the powers of the Commissioner given to him under paragraph 25 of the Appendix IV to the Act will be withdrawn before the 15th February 1951. It now appears from the Local Self Government and Public Health

It was assumed that the Corporation of the City of Poona will be constituted much earlier before the 15th Feb. 1950.

Contd.

Health Department noted that the elections of the Corporation of the City of Poona are not likely to be completed before the 15th February 1951. In that case there is no possibility of the Corporation holding its first meeting before the 15th February 1951 and appointing a Transport Committee as required by the Act. From the scheme of the Act, it appears that mere appointment of 3 members of the Transport Committee ~~xxxx

8. A revised draft is sent herewith. The Local Self Government and Public Health Department should verify whether it carries out its intention.

Sd/

C.C. 26/4

Additional Secretary to Government.

P.R. to L.S.G. & P.H.D. No.286 Confl. dated the 26th April 1960

MBI

SG

Contd.

it cannot be said that the Transport Committee functi ions under the Act. The wording now suggested by the Local Self Government and Public Health Department empowering the Commissioner to exercise the powers and perform the duties of the Transport Committee "until the Transport Committee was elected in accordance with the provisions of section 25" is not therefore in order. It is likely that the Transport Committee "~~until the Transport Committee~~ may take further time to hold its first meeting and elect its Chairman and the Standing Committee may take more time to hold its first meeting and elect its Chairman. To get over these difficulties and to leave no vacuum it is necessary to provide that the Municipal Commissioner for the City of Poona shall be exercise all the powers and perform all the duties which are exercisable and to be performed by the Transport Committee under the said Act until the first meeting of the Transport Committee shall have been held.

Local Department

A revised draft notification in place of the Local Self Government and Public Health Department is sent herewith.

2. Sub-section, (3) of section 5 of the Bombay Provincial Municipal Corporations Act,1949 provides that the State Government shall by notification in the Official Gazette specify for each City the number and boundaries of the wards into which such City shall be divided for the purpose of ward election of Councillors and the number of Councillors to be elected for each ward. It would be seen from this provision that the function of the notification under that sub-section is to specify the boundaries of the wards into which the City of Poona is to be divided. Local Self Government and Public Health Department draft notification provides only for the name of the ward but not the detailed boundaries thereof. The boundaries of each ward will have to be specified on the lines of the description of the boundaries given in Schedule B to the Bombay Municipal Corporation Act in respect of the Wards of the City of Bombay. In that case, the names of the wards in column 2 at page 215 should be shown in general terms and not in details as have been shown therein.

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Additional Secretary to Govt.

U.R. to L.S.G. & P.H.D. No. 11804.

Dated the 19th August 19

NOTIFICATION.

Local Self Government and Public Health Department,
Bombay Castle, August 1950.

Bom. Provincial Municipal Corporations Act. 1949.

No. In exercise of the powers conferred by sub-sections (2) and (3) of section 5 of the Bombay Profincial Municipal Corporations Act, 1949 (Bom. LIX of 1949), the Government of Bombay is pleased

(i) to direct that the Municipal Corporation of the City of Poona shall consist of Councillors elected at ward elections;

To be filled by the L.S.G. & P.H.D.

(ii) to specify that the wards into which the City of Poona shall be divided for the purpose of the ward election of Councillors and the boundaries of each ward shall be as specified in columns 1,2 and 3 of the Schedule annexed hereby;

(iii) to specify that the number of Councillors to be elected by each ward shall be as specified against it in colume 4 of the said Schedule; and

(iv) to direct that out of the seats allotted to the wards specified in columns 1,2, and 3 of the said Schedule the number of seats specified against them in colum 5 of the said Schedule shall be reserved for Harijans.

SCHEDULE.

Serial No. of the Ward	Name of the Ward	Description of boundaries of the ward.	No. of Councillors to be elected by the Ward.	No. of seats to be reserved for Harijans
1 ×	2 ×	3 ×	4 ×	5. ×
× To be filled in by L.S.G. & P.H.D.				

By order of the Governor of Bombay.

Secretary to Government.

Legal Department.

A refised draft order is sent herewith.

2. In place of the words "vehicles impelled by machinery" the words "vehicles propelled by machinery" have been used. (Cf. sec. 2(18) of the Motor Vehicles Act, 1939).

3. It is not obligatory on the State Government to publish an order made under section 142(1) of the Act in the Bombay Government Gazette. If Government decides to publish the order in the Bombay Government Gazette, it should be published in the same form in which it is made. No separate notification is necessary.

Sd.
11/12

Additional Secretary to Government.

U.O. to L.S.G. & P.W.D. No 17506, dated the 11th December, 1950.

MM. CC

ORDER.

No. :- In exercise of the powers conferred by sub-section (1) of section 142 of the Bombay Provincial Municipal Corporations Act,1949 (Bom. LIX of 1949), the Government of Bombay is pleased to direct that a tax at rates not exceeding those specified in column 3 of the Schedule appended hereto, shall be levied subject to the provisions of the said section, on vehicles, boats and animals of the description specified against them in column 2 thereof.

Schedule

Serial No. 1	Descriptions 2	Rates 3
I	Two wheeled vehicles drawn otherwise than by machinery-	Rupees
	(a) Hand cart (Hand cart, labour cart, push cart).	8
	(b) Drawn by animal other than horse.	* 12
	(c) drawn by a horse.	* 18
	(d) Bicycle.	5
	* exclusive of the tax on an animal	
II	Four wheeled vehicles drawn otherwise than by machinery.	
	(a) Hand cart (Hand cart, labour cart, push cart).	12
	(b) drawn by one or more animals	* 24
	* exclusive of a tax on an animal.	
III	Two wheeled vehicles propelled by machinery-	
	(a) Auto-bicycle.	12
	(b) Motor cycle.	30

1	2	3
IV	Three wheeled vehicles propelled by machinery-	
	(a) Cycle Rikksha.	18
	(b) Motor Cycle with side car.	40
	(c) Auto Riksha.	48
V	Trailer.	
VI	Motor vehicles used solely for carrying Passengers-	
	(a) Private	
	(i) Upto and including 14 H.P.	60
	(ii) Above ..... 14 HP.	80
	(b) TAXIES	120
VII	Motor Buses-	
	(a) Carrying capacity upto 21 passengers including driver and cleaner.	150
	(b) Above 21 passengers-	180
VIII	Motor vehicles propelled by machinery and used for the transport or haulage of goods-	
	(a) Registered laden weight of which does not exceed 60 cwt.(6720 lbs.)	120
	(b) Registered laden weight of which exceeds 60 cwt. (6720 lbs.) but does not exceed 120 Cwt. (13440 lbs.)	180
	(c) Registered laden weight of which exceeds 120 Cwt. (13440 lbs.)	180
IX	Boats propelled by machinery.	
	(a) Boats propelled otherwise than by machinery.	30
	(b) Boats propelled by machinery.	60
X	Animals-	
	(a) Each bullock.	3
	(b) Each horse, pony or mule	18
	(c) Each donkey & mother animal used for riding, racing, draught or haulage.	3

By order of the Governor of Bombay,

Secretary to Government.